

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3702 of 2017

Arising Out of PS. Case No.-35 Year-2016 Thana- PIRI BAZAR District- Lakhisarai

Bidesh Kumar, S/o Uttam Mahto, Resident of Vill - Bariyarpur, P.S. - Piri Bazar, Dist - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-09-2017 Heard learned Counsels appearing on behalf of the petitioner and the State.

The prayer for anticipatory bail has been renewed on behalf of the petitioner in connection with a case registered for the offences punishable under Sections 341, 323, 337, 307, 504 and 506/34 of the Indian Penal Code.

The petitioner along with co-accused Rajesh Kumar earlier preferred Criminal Miscellaneous No.36131 of 2016, with a prayer for anticipatory bail, which was disposed of by a co-ordinate Bench of this Court vide order dated 22.08.2016 on submission of learned Counsel for the petitioner that the petitioner has been arrested. However, the order dated 22.08.2016 passed in Criminal Miscellaneous No. 36131 of 2016 does not reflect as such, which reads as under :-



“Let the defects, as pointed out by the office, be ignored.

List this case under the heading ‘For Admission’.”

The aforesaid fact was recorded in the first paragraph of the order dated 09.09.2016, which reads as under :-

It is submitted by the learned Counsel for the petitioners that petitioner no.2 namely Bidesh Kumar has been arrested. Hence, his application was disposed of vide order dated 22.08.2016, passed by a Co-ordinate Bench of this Court. The order dated 22.08.2016 does not reflect as such.”

The factual matrix of the present case is that the petitioner, Bidesh Kumar along with his brother, Rajesh Kumar, being the nephew of the informant along with mother, Jhunki Devi, came armed with lathi. The co-accused Rajesh Kumar assaulted with lathi on the head of the informant, when the informant fell down, then the petitioner, his mother, Jhunki Devi, his wife and co-accused Rajesh Kumar assaulted the informant.

It is submitted by learned Counsel for the petitioner that the informant has received six injuries, but all the injuries are simple in nature, including the injury caused by the petitioner. Statement has been made in paragraph no.3 of the petition that petitioner has no criminal antecedent.



Considering the fact that earlier prayer for anticipatory bail of the petitioner was disposed of vide order dated 09.09.2016 whereas the present modification application has been registered on 28.01.2017, this Court is not inclined to reconsider the prayer for anticipatory bail of the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court, if he surrenders within a period of six weeks in connection with Piri Bazar P.S. Case No. 35/2016, pending before the learned SDJM, Lakhisarai.

(Dinesh Kumar Singh, J)

Ashwini/-

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